REMARKS/ARGUMENTS

Claims 1-9, 11-32, 34-42, and 44-49 remain pending in the application and are rejected by the Examiner. Applicant respectfully traverses the rejections and requests reconsideration and allowance of all pending claims.

Discussion of Rejections Under 35 U.S.C. §103

Claims 1-9, 11-13, 15-18, 20-26, and 28-49 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent Publication No. 20030134646 to Forrester (hereinafter Forrester) in view of U.S. Patent Application Publication No. 20020184418 to Blight (hereinafter Blight). Claim 14 is rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Forrester and Blight in further view of U.S. Patent Publication No. 20040030601 to Pond (hereinafter Pond). Claims 19 and 27 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Forrester and Blight in further view of U.S. Patent Publication No. 20030118015 to Gunnarsson (hereinafter Gunnarsson). Applicant traverses the rejections.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be reasonable expectation of success. Finally, the prior art reference, or references when combined, must teach or suggest all of the claim limitations.

As discussed in the prior Applicant's response dated May 9, 2006, Claim 1 recites a position determination system that includes "a display to display non position information data based on the determined position." As described in Applicant's Specification, "the displayed data may be non-position information, such as sales information, advertisements, and the like related to a store located proximate the predetermined position of the mobile communications device." *Application*, at paragraph [0011]. This feature is not taught nor suggested by Forrester nor Blight.

The Examiner contends that Blight does indeed describe non-position information, and argues that Blight describes displaying building location and a graphics map. The Examiner cites to Blight, paragraphs [0031], [0046], and [0083] as supporting this argument. The Examiner also cites a quotation "user device able to display in the display with

information such as building location; graphics map that support for non position information data" that allegedly appears at Applicant's Specification at pages 10-11.

Applicant respectfully contends that the paragraphs cited from Blight fail to support the Examiners arguments. Blight is directed to mapping a location and location determination using a wireless device. *Blight*, Abstract. Blight fails to describe any non-position information that is displayed. In particular, neither Forrester nor Blight describes "a display to display non position information data based on the determined position." Indeed, some of the paragraphs from Blight cited by the Examiner describe a server and not a device having a display.

Paragraph [0031] of Blight cited by the Examiner describes a handheld computer that includes a display and a user interface for selecting and altering displayed content. Applicant believes that the Examiner cites this paragraph as support for a device having a display. However, the cited paragraph fails to mention non-position information and fails to mention non-position information that is based on a determined position.

Paragraph [0046] from Blight describes characteristics of a location server and states:

> ...location server 270 maintains a location database. The location database contains information relating to the location of devices in and around the area served by communications network 220. The location database contains information on the location of permanent devices 230, 240, and 260 (those which do not move), stationary devices 230, 240, and 260 (those which move infrequently) and mobile devices 210 (those which move regularly).

The paragraph is directed to the information stored in a location server. The Examiner provides no explanation relating the location database stored in the location server 270 with the device having the display described in Blight paragraph [0031] or how such a relationship renders obvious a display that displays non-position information data based on a determined position. Clearly, paragraph [0046] from Blight fails to describe a display that displays non-position information. Paragraph [0046] from Blight fails to mention or relate a determined position to non-position information.

Similarly, paragraph [0083] from Blight describes characteristics of the location server 270. The paragraph states: "the location database on server 270 may include a graphics map. A graphics map is the data structure which contains the visual information about an area....Each zone has graphic information which can be used in rendering a map of the zone." Again the Examiner fails to relate the location database with non-position information or the display of non-position information. The Examiner fails to describe how

the cited paragraph teaches or suggests displaying non-position information based on a determined position.

Furthermore, the Examiner provides a quotation and cites to Applicant's Specification, but the quotation does not appear in Applicant's Specification at pages 10-11 as alleged. Additionally, the quotation does not appear in Blight nor Forrester. Thus, Applicant is unclear as to the source of the quotation, and is unclear how the quotation supports the Examiner's arguments. Applicant respectfully requests the Examiner clarify the source of the quotation.

The Examiner fails to provide a reasonable motivation to combine or otherwise modify the teachings of Forrester and Blight. The Examiner provides as a motivation "in order to addition a bandwidth of WLAN in reduced the traffic of GPS networks." *Office Action*, dated June 5, 2006, at page 4. However, the Examiner fails to provide any discussion or explanation as to how the number of GPS receivers in any way affects a GPS network. A GPS satellite is a broadcast satellite, and broadcasts the same signal regardless of the number of ground stations receiving the broadcast. A GPS receiver in no way loads a GPS satellite, such that the capacity of the GPS system is reduced. Furthermore, even if one is motivated to reduce the traffic of GPS networks, the motivation has no relationship to display of non-position information data. The Examiner fails to relate the motivation to the argued modification. Thus, the Examiner fails to provide a motivation to modify the references in a manner that would lead one to Applicant's claimed invention.

The Examiner concedes that Forrester fails to describe a display to display non position information data based on a determined position. *Office Action*, dated June 5, 2006, at page 4. Applicant's arguments above demonstrate that the cited paragraphs of Blight fail to teach or suggest the features absent from Forrester. Therefore, the combination of Forrester with Blight fails to teach or suggest all claimed features. Furthermore, there is no motivation to combine the teachings of Forrester with Blight in the manner suggested by the Examiner. Applicant respectfully request reconsideration and allowance of claim 1.

Claims 29 and 40 include similar features to that discussed above in relation to claim 1. In particular, claim 29 includes "means for displaying non position information data based on the determined position." Similarly, claim 40 includes "displaying non position information data based on the determined position." Therefore, claims 29 and 40 are believed

to be allowable at least for the reason discussed above in relation to claim 1. Applicant respectfully requests reconsideration and allowance of claims 29 and 40.

Claim 20 recites a position determination system. The system includes "a position determining entity to determine the position of the mobile communication device based on the data received from the GPS satellites, *if available with an acceptable error range*, the communication signals from the base transceiver station, *if available with an acceptable error range*, and the data received from the network wireless access point." (*emphasis added*). Neither Forrester nor Blight describe the claimed feature.

The Examiner concedes that Forrester fails to teach or suggest the claimed feature, but argues that "Blight discloses a mobile device communicated directly to Wireless Access Point (Fig. 1, col. 2, par. [0033]), if available with an acceptable error range and the data received from the network wireless access point (page 4, par. [0089-0106])." *See, Office Action*, at page 8.

Claim 20 includes the term "an acceptable error range" as a condition applied to a position based on data received from GPS satellites and the communication signals from the base transceiver system. The cited portions of Blight fail to describe "an acceptable error range" in the context of position determined from GPS data. Similarly, Blight fails to teach or suggest "an acceptable error range" in the context of position determined from communication signals from a base transceiver system. The term "base transceiver system" appearing in claim 20 refers to the base transceiver station communicating with a wireless telephone receiver. Blight fails to describe a wireless telephone receiver or position determination using communication signals from a base transceiver system communicating with a wireless telephone receiver. Blight also fails to describe any "acceptable error range" where position is determined based on communication signals from a base transceiver system.

The paragraphs from Blight cited by the Examiner fail to support the argument that Blight teaches or suggests any acceptable error range in the context of GPS data or communication signals form a base transceiver system. Instead, the paragraphs from Blight cited by the Examiner describe position location using wireless access points. Thus, the cited paragraphs fail to mention any acceptable error range when determining position using either GPS or communication signals from a base transceiver system.

Applicant's arguments above demonstrate that the cited paragraphs of Blight fail to teach or suggest the features absent from Forrester. Therefore, the combination of Forrester

with Blight fails to teach or suggest all claimed features. Applicant respectfully request reconsideration and allowance of claim 20.

Discussion of Dependent Claims

Claims 2-9, 11-19, 21-28, 30-32, 34-39, 41-42, and 44-49 depend from one of claims 1, 20, 29, or 40 and are believed to be allowable at least for the reason that they depend from an allowable base claim. Each of the dependent claims may have patentable features that distinguish over the prior art, but discussion of each individual claim is unnecessary in light of the allowability of the independent base claims.

Applicant respectfully requests reconsideration and allowance of claims 2-9, 11-19, 21-28, 30-32, 34-39, 41-42, and 44-49.

Applicant previously presented arguments describing independent basis for patentability of dependent claims 16, 18, 37, 39, 47, and 49. *See*, Amendment dated May 9, 2006, at pages 11-12. The Examiner fails to address the Applicant's arguments and merely repeats the rejections presented in the earlier Office Action dated February 9, 2006. Applicant respectfully requests the Examiner address Applicant's distinct arguments relating to the dependent claims presented in the Amendment dated May 9, 2006.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. Applicants therefore respectfully request that a timely Notice of Allowance be issued in this case.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned.

Respectfully submitted,

Dated: August 3, 2006

By: Andrea L. Mays

Andrea L. Mays
Attorney for Applicant
Registration No. 43,721

QUALCOMM Incorporated
5775 Morehouse Drive
San Diego, California 92121-2779
Telephone: (858) 651-8546
Facsimile: (858) 658-2502